



CM/ECF Newsletter

U.S. Bankruptcy Court—Eastern
District of Virginia
vaeb.uscourts.gov/ecfnew/ecf.html

CM/ECF Newsletter

May 2001

Judicial Conference Approved Electronic Public Access Fees

The Administrative Office of the United States Courts (AO) will begin collecting fees for electronic public access in bankruptcy courts that have installed and are using Version One of the new Case Management/Electronic Case Files (CM/ECF) system, as of July 1, 2001.

For over a decade, Congress has mandated the application by the judiciary of public access charges for electronic court data as set forth in the Judicial Conference Miscellaneous Fee Schedules (28 U.S.C. 1913, 1914, 1926, 1930, 1932). The new EPA Fee Schedule makes provision for a

charge of seven cents per page for access to data obtained electronically from the public dockets of individual case records in the court. This charge is collected by the AO through the Electronic Public Access (EPA) program and applies largely to case data from docket sheets obtained through the Public Access to Court electronic Records (PACER) system.

Although the access fee applies to all users, it should be noted that it will not apply to recipients of a case who receive electronic notification. This policy will entitle attorneys of record, as well as bankruptcy trus-

tees and in most instances the U. S. Trustee, to one free electronic copy of all of the documents they need from the case. Parties will be responsible for maintaining their own file. Should they fail to make a copy at the time of service, however, then any additional electronically accessed copy from the court over the Internet will cost seven cents per page for an electronic version.

For more information, visit our web site at vaeb.uscourts.gov, Clerk's Memorandum dated May 25, 2001, AO Federal Register Notice on New JCUS EPA Fee Schedule.

A Brief History of Public Access and Fees

In the United States, three years after the establishment of the federal courts in 1789, Congress authorized clerks to charge the same fees as those charged by the state courts. For example, the cost of obtaining a copy of a document from the clerk's office of the Maryland court of appeals was set by the legislature in 1763 at nine pounds of tobacco. These fees were increased in 1799 to the amount charged in state courts plus one-third. Like their English predecessors, U. S. clerks of court received no salaries, deriving all compensation through the imposition of fees. Although fees continued to be the major source of income

for federal clerks, basing the fee schedule on practice in the states produced a lack of uniformity and wide disparities in the amount of compensation received by clerks. In 1841, Congress put a cap on the earnings of federal clerks, authorizing them to retain a maximum of \$3,500 per year for office expenses, with any excess receipts to be paid into the public Treasury. Finally, in 1919, the concept of the self-supporting clerk was eliminated, as Congress directed that salaries and expenses of the clerk's office were to be paid from appropriated funds and that fees for services in the clerk's office were to be set by Congress and paid into

the Treasury.

In 1944, Congress authorized the Judicial Conference to set reasonable fees for miscellaneous services performed by the clerk. The following year, the Conference approved a fee of 40¢ per page for copies, the equivalent of \$3.81 today. This fee stood until 1973, when the Judicial Conference approved a fee of 50¢ a page, and a \$1 fee for a typed copy (\$1.93 and \$3.86, respectively, today). The 50¢ fee for a paper copy still applies today, along with the 86 percent lower cost for an electronic version.

- The Third Branch
April 2001

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PACER Service Center Support Document 7



"PSC and EDVA working together to deliver quality support."

Speaking of PACER . . .

The PACER Service Center is available to provide external user support for CM/ECF. The PACER Service Center can answer support questions from both filing attorneys and query only users of CM/ECF. Support is offered in three ways. Users can visit their web site at <http://pacer.psc.uscourts.gov>, call the toll free number (800-676-6856), or send email to pacer@psc.uscourts.gov. The web site has some CM/ECF related information already and will be adding more. It is envisioned the PACER Service Center web site will become the central informational web site for the public about CM/ECF.

The PACER Service Center is staffed from 8 am to 5 pm Central Time but the web site is available all the time.

Certain problems or questions still may need to be handled by ECF Helpdesk such as attorneys who are requesting filing privileges, asking procedural questions, and making data integrity inquiries.

Examples of the types of issues the PSC handles are:

- Browser issues; installation, configuration, and troubleshooting
- Troubleshoot connection issues.
- Provide information on installing and using

Adobe Acrobat.

- Provide information on creating documents using Adobe Writer.
- Help users while navigating the CM/ECF sites.
- Inform users about chargeable items.
- Coordinate issues with a court for involved problems or case-related issues.

See pages 6 - 8 of this newsletter on General Information for Attorneys and the Public, Support for Filing Attorneys and Support for Public (Query only) Users.



Event Code Changes

Pursuant to the change in Local Bankruptcy Rule 2015-(a)-1(A), the event **Monthly Operating Report** under Miscellaneous link has been changed to **Report of Debtor in Possession**. The prefix box allows docketer to select "Monthly", "Quarterly", etc.

Events specific to the filing of a chapter 12 have been re-instated.

Under Claims Actions link, **Objection to Transfer** has been changed to **Objection to Transfer of Claim**.

Under Appeal link, **Appellant Designation** and **Appellee Designation** now contain a prefix box.

Under Motions/Applications link, **Motion to Convert to Chapter 11**, **Motion to Convert to Chapter 12**, **Motion to Convert to Chapter 13** and **Motion to Convert to Chapter 7** now allows for relating to a previously docketed entry.



Special Docketing Instructions

Role Type—Remember when opening a husband and wife bankruptcy case to change the "role" of the spouse to "joint debtor". If filing a motion in a bankruptcy case, such as a motion for relief from stay, the "role" of the party is "creditor". When opening an adversary proceeding, "role" types will be "plaintiff" and "defendant".

Answer(s) to an Amended Complaint—When filing an answer where the complaint has been amended, in order to terminate the answer deadline; you must relate to the original complaint in addition to the amended complaint.

Withdrawals—when filing a withdrawal, remember to relate the withdrawal to the pleading being withdrawn.

Applications for Compensation—new procedure being developed, stay tuned to our web site for upcoming instructions.

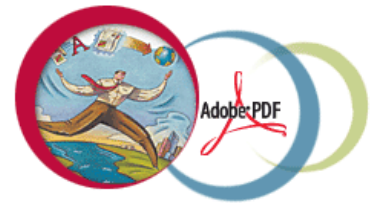
Adobe Acrobat Version 5

Adobe Corporation recently released a new version (Version 5) of their Acrobat Portable Document Format (PDF) conversion software. The AO CM/ECF Development Team extensively tested and evaluated the capabilities and compatibility of the newest version with the CM/ECF service. These test results indicate that court personnel and lawyers can submit and access Version 5 PDF documents without any adverse effects to CM/ECF. For those attempting to review and store PDF documents, Versions 3.x, 4.x and 5 are both downward and upward compatible; i.e., a PDF document created with Version 5 can be reviewed with a Version 4.x reader and a Version 4.x document can be reviewed with a Version 5 reader.

There are a few precautions that should be taken, however; when installing and using Version 5 with CM/ECF. Adobe Acrobat Version 5 offers two packages ("drivers"), Acrobat 5 Distiller and Acrobat 5 Writer, for converting documents into PDF. While Adobe's standard installation procedures automatically install the Distiller package, the AO **strongly recommends** that all CM/ECF users "Custom" install and normally use the Adobe Writer 5 driver software (see full report for instructions). The PDF Writer version converts files into PDF significantly faster and produces significantly smaller PDF files than the Adobe Distiller version. In addition, there are several special features and enhancements which CM/ECF filers should avoid at this time; in particular, the

password protection "security" option, and the restrict printing option. As was found in earlier Acrobat versions, users also should be aware that some word processing fonts (see full report for details) exhibit slight irregularities during the conversion process into PDF. Several new features may be of particular use or interest to CM/ECF users; in particular, PDF to Rich Text Format (RTF) which allows for easier copying and incorporation of PDF text files into word processing documents.

To obtain a copy of the full report, visit our web site at vaeb.uscourts.gov/ecfnew/ecf.html, click on the Getting Started link



Note:

For those CM/ECF lawyers presently using earlier Acrobat PDF versions (Versions 3.X or 4.X), there is no requirement to upgrade Acrobat software for purposes of submitting or accessing CM/ECF documents.

Adobe Corporation does offer any lawyer a special discount program (approximately 50% of standard retail price) by calling 888-502-5275. This lawyer discount program, however; may be discontinued after June 30, 2001.

Gentle Reminders

For general bankruptcy questions access our Bankruptcy Online Support —<http://bankruptcy.custhelp.com/cgi-bin/bankruptcy.cfg/php/enduser/home.php>

If you change your email address, remember to update your ECF account.

1. Login into ECF using your live attorney/trustee login and password
2. Click on Utilities
3. Click Maintain ECF Maintain Your ECF Account
4. At the bottom of the screen, click on Email Notification
5. Make appropriate changes and click on Return to Account Screen
6. At Account Screen, click on Submit [Note - you must click submit button for change to take effect.]
7. A screen will appear with a window listing all cases in which you are a party with system defaulting to "Update All", click on Submit
8. System will display update, wait until all cases have been updated, you'll see at the end of the display "Updating person record... Update Person Prid:" (will list set up information, etc.)



Electronic Bankruptcy Noticing

EBN Saves Time!

Two new Electronic Bankruptcy Noticing (EBN) services soon will be available from the Bankruptcy Noticing Center. EBN provides free services that allow bankruptcy notice information to be transmitted electronically to those who request it. In lieu of U. S. Postal Service delivered paper notices, EBN allows you to choose to receive bankruptcy notice data in one of three ways:

- Internet E-Mail - For recipients who want

the speed and convenience of receiving notices on line.

- Fax - For recipients who don't want to set up an Internet E-Mail account, but want to eliminate mail pieces.
- EDI - For high-volume recipients (200 or more notices per week) who want to automatically process data using computer database to computer database transfers. (EDI service is available now.)

Creditors wishing to take advantage of electronic noticing must sign a Noticing Agreement with the court, through the BNC, to ensure understanding of the EBN process and roles of the parties.

For more information, visit the BNC web site at www.EBNuscourts.com

More information on EBN will be provided by the clerk's office soon.



Case Upload In the Works

The Case Upload option in CM/ECF is a program that will interact with bankruptcy software to eliminate keying information through Case Opening. Using *extraction* files, Case Upload will open a bankruptcy case with debtor information, assign a case number, docket the voluntary petition, upload creditors for court mailing, and docket the Chapter 13 Plan, if applicable, all within one screen!

The bankruptcy software *extraction* files used are:

1. debtor.txt—a text file containing debtor and

statistical information that are uploaded to the appropriate CM/ECF case opening fields.

2. petition.pdf— an acrobat file containing the bankruptcy petition that is attached to the docket entry and placed on the case docket for viewing.
3. creditor.txt—a text file containing the list of creditors that is uploaded to the case for court noticing.
4. Plan.pdf—an acrobat file containing the chapter 13 plan that is at-

tached to the docket entry and placed on the case docket for viewing.

For this program to work properly, certain specifications must be contained in the bankruptcy petition software by its manufacturer. The program is currently in development with Best Case, Bankruptcy 2001 and Bankruptcy Plus. We hope to begin testing the software in the very near future.

Bankruptcy Software Disclaimer:

Neither the U. S. Courts nor the AO has passed on the merit of any bankruptcy petition software or their endorsement. This information is provided without warranty of any kind and the U.S. Courts and the AO make no representations and disclaim all express, implied, and statutory warranties of any kind to any party including warranties as to accuracy, timeliness, completeness, merchantability, or fitness of the products/services offered by the entities in this article for any particular purpose.

**Attorneys Trained April/May 2001**

Alexandria — 2

Joel R. Zuckerman
Leslie W. Lickstein

Norfolk/Newport News — 2

Michael Strong
Matthew Taylor

Richmond — 10

Michael Drewry
Robert Flax
Robert Nash
Vivieon Kelley
Michele Lewane
Michael Falzone
James Nolan
Philip Baxa
William A. Broschious
Allan S. Buffenstein**Attorneys Live April/May 2001**

Alexandria — 2

Joel R. Zuckerman
Leslie W. Lickstein

Norfolk/Newport News — 3

Stephen Gunther
Peter Economou
Edrie Pfeiffer

Richmond — 10

Michael Drewry
Robert Flax
Robert Nash
Vivieon Kelley
Michele Lewane
Michael Falzone
James Nolan
Philip Baxa
William A. Broschious
Allan S. Buffenstein

**United States Bankruptcy Court
Eastern District of Virginia
Total Electronic Case Filings (ECF) By Division
1999 - YTD 2001**

1999	Alexandria			Richmond			Norfolk			Newport News			District Totals		
	Petitions Filed	ECF Cases	% ECF	Petitions Filed	ECF Cases	% ECF	Petitions Filed	ECF Cases	% ECF	Petitions Filed	ECF Cases	% ECF	Petitions Filed	ECF Cases	% ECF
Jul	635	101	15.9%	690	31	4.5%	696	78	11.2%	289	18	6.2%	2,310	228	9.9%
Aug	585	103	17.6%	776	54	7.0%	662	101	15.3%	220	219	99.5%	2,243	447	19.9%
Sep	636	114	17.9%	717	38	5.3%	642	119	18.5%	234	233	99.6%	2,229	504	22.6%
Oct	569	91	16.0%	772	65	8.4%	581	105	18.1%	280	280	100.0%	2,202	541	24.6%
Nov	610	108	17.7%	700	63	9.0%	675	137	20.3%	247	246	99.6%	2,232	554	24.8%
Dec	597	120	20.1%	723	52	7.2%	690	160	23.2%	248	247	99.6%	2,258	579	25.6%
6 Mos. Totals	3,632	637	17.5%	4,378	303	6.9%	3,946	700	17.7%	1,518	1,243	81.9%	13,474	2,853	21.2%
2000	Alexandria			Richmond			Norfolk			Newport News			District Totals		
	Petitions Filed	ECF Cases	% ECF	Petitions Filed	ECF Cases	% ECF	Petitions Filed	ECF Cases	% ECF	Petitions Filed	ECF Cases	% ECF	Petitions Filed	ECF Cases	% ECF
Jan	429	92	21.4%	564	51	9.0%	552	157	28.4%	191	189	99.0%	1,736	489	28.2%
Feb	625	98	15.7%	810	106	13.1%	670	157	23.4%	288	288	100.0%	2,393	649	27.1%
Mar	729	127	17.4%	918	118	12.9%	783	209	26.7%	324	323	99.7%	2,754	777	28.2%
Apr	587	105	17.9%	667	126	18.9%	673	158	23.5%	265	263	99.2%	2,192	652	29.7%
May	654	127	19.4%	713	103	14.4%	727	188	25.9%	312	312	100.0%	2,406	730	30.3%
Jun	581	145	25.0%	717	151	21.1%	678	235	34.7%	306	306	100.0%	2,282	837	36.7%
Jul	491	120	24.4%	619	110	17.8%	529	157	29.7%	254	251	98.8%	1,893	638	33.7%
Aug	542	128	23.6%	746	163	21.8%	720	251	34.9%	262	262	100.0%	2,270	804	35.4%
Sep	504	118	23.4%	609	145	23.8%	595	222	37.3%	266	266	100.0%	1,974	751	38.0%
Oct	504	123	24.4%	689	152	22.1%	721	253	35.1%	311	311	100.0%	2,225	839	37.7%
Nov	517	117	22.6%	647	141	21.8%	652	289	44.3%	234	234	100.0%	2,050	781	38.1%
Dec	464	119	25.6%	599	135	22.5%	610	244	40.0%	227	227	100.0%	1,900	725	38.2%
YTD Totals	6,627	1,419	21.4%	8,298	1,501	18.1%	7,910	2,520	31.9%	3,240	3,232	99.8%	26,075	8,672	33.3%
2001	Alexandria			Richmond			Norfolk			Newport News			District Totals		
	Petitions Filed	ECF Cases	% ECF	Petitions Filed	ECF Cases	% ECF	Petitions Filed	ECF Cases	% ECF	Petitions Filed	ECF Cases	% ECF	Petitions Filed	ECF Cases	% ECF
Jan	474	113	23.8%	752	171	22.7%	640	263	41.1%	242	242	100.0%	2,108	789	37.4%
Feb	559	117	20.9%	817	164	20.1%	742	295	39.8%	282	282	100.0%	2,400	858	35.8%
Mar	806	166	20.6%	1,012	234	23.1%	878	402	45.8%	366	360	98.4%	3,062	1,162	37.9%
Apr	646	150	23.2%	873	197	22.6%	739	383	51.8%	329	329	100.0%	2,587	1,059	40.9%
May															
Jun															
Jul															
Aug															
Sep															
Oct															
Nov															
Dec															
YTD Totals	2,485	546	22.0%	3,454	766	22.2%	2,999	1,343	44.8%	1,219	1,213	99.5%	10,157	3,868	38.1%

PACER Service Center Support for CM/ECF External Users

General Information for Attorneys and the Public	
Login / password	<ul style="list-style-type: none"> • All users require a valid PACER login and password • Filing attorneys need a PACER account for query functions • PACER login permits access to all nationally supported systems (e.g. Party/Case Index). See http://pacer.psc.uscourts.gov for complete list. • PACER login can be permanently linked to CM/ECF login, so that it does not have to be re-entered
Universal Login	<ul style="list-style-type: none"> • PACER users can log in at one court, and access another without having to log in again
Service	<ul style="list-style-type: none"> • Hyperlink to filed document provided to parties receiving a notice of filing. • All users should be advised to print or save the document to a local computer, in order to avoid future charges. • Access to the linked document is FREE the first time it is accessed.
Registration	<ul style="list-style-type: none"> • The PSC will register all new users of the system, via the PSC web site (http://pacer.psc.uscourts.gov/), fax or mail. Contact the PSC for instructions on how to register and obtain copies of the on-line registration form. Registration forms are also accepted by mail, fax or email. The toll-free number for the PSC is 800-676-6856. • Registrations will be validated to ensure data integrity and completeness. Accounts will be uploaded to the CM/ECF sites on a nightly basis. • Assigned logins and passwords are mailed to the user. [NOTE: a user who needs to establish an account more quickly may request that the PSC expedite the establishment of the account. The account will be created the same day the application is received and the login and password will be provided via overnight mail to the user. The cost of the overnight mail must be paid by the new user] • Existing PACER logins and passwords will work for query-only purposes in CM/ECF.
Account Maintenance	<ul style="list-style-type: none"> • The CM/ECF application links the filing account with an appropriate PACER account for billing purposes. • The PSC is responsible for account maintenance. Users can update their accounts through the PSC web site, email, telephone, fax, or mail. Users are allowed to modify basic account information such as firm name, password, address information, email address, etc.
Billing	<ul style="list-style-type: none"> • The PSC bills users on a quarterly basis. If full payment is not received before 30 days, a delinquency notice is sent to each account. Fifteen days later any unpaid account will receive a default notice and access is suspended. Nothing is owed on accounts that do not exceed \$10.00 in a calendar year. • All billing questions should be referred to the PSC at 800-676-6856.
Technical Information	<ul style="list-style-type: none"> • CM/ECF has been tested and operates with Netscape 4.6x and 4.7x. Users must accept cookies and have a Java enabled browser. • Users must use a PDF reader to view documents. The Adobe Acrobat Reader is available for free from the Adobe web page. • A PDF writer is required to file documents with the court. • Questions regarding local court procedures and the rules of electronic filing should be addressed by each individual court. • Technical questions should be directed to the PSC at 800-676-6856.

PACER Service Center Support for CM/ECF External Users

Support for Filing Attorneys	
Technical Support	<ul style="list-style-type: none"> • The PSC will be responsible for general setup, routine “how-to” inquiries, and commonly asked questions. Unresolved issues, data integrity questions, or procedural questions will be forwarded to the appropriate court. The first step of any support call will be to determine whether or not the issue is an appropriate issue for the PSC to handle. • Local contacts at each court will need to be identified for the PSC and the users. • The PSC will maintain a CM/ECF support web page with a list of links to all CM/ECF sites, announcements, documentation, links to local rules, FAQs, etc. • Examples of the types of issues the PSC will handle are: <ul style="list-style-type: none"> - Browser issues: installation, configuration, and troubleshooting. - Troubleshooting connection issues. - Provide information on installing and using Adobe Acrobat - Provide information on creating documents using Adobe Writer. - Help users while navigating the CM/ECF sites. - Inform users about chargeable items.
Training	<ul style="list-style-type: none"> • The PSC will offer training materials to CM/ECF filers from the PSC web site. • User guides will be made available for downloading. Examples of information provided will include instructions on case opening, uploading a case document, etc. • FAQs will be maintained for filing attorneys on the PSC web page. • If determined to be beneficial, a generic practice area will be available for new users of the CM/ECF system.
Local Court Support	<ul style="list-style-type: none"> • Coordination between the PSC and the local court is essential for a successful support program. • The PSC will maintain a list of contact persons in each court to whom outstanding or unresolved issues may be referred • Courts will be responsible for the following external user support areas: <ul style="list-style-type: none"> - Filing attorney logins/access. - All procedural questions. - Any question about a case other than questions on “how-to” file a document. For example, When is a certain filing due? What should be filed in response to a...? - All data integrity questions.

PACER Service Center Support for CM/ECF External Users

PSC Support for Public (Query only) Users	
General	<ul style="list-style-type: none">• The public query portion of CM/ECF is very similar to Web PACER.• The CM/ECF application has been designed to accept current PACER logins and passwords for query access by the public.• The billing is the same in Web PACER as it will be in CM/ECF. Several Web PACER courts already provide imaged documents that need specific browser plugins similar to CM/ECF. The PSC already supports these users. The anticipated customer calls about this service will be very similar to the questions already answered by the support staff.
Technical Support	<ul style="list-style-type: none">• The PSC is responsible for technical support. Questions ranging from general information to involved technical setup will be answered.• Unresolved issues, data questions, or procedural questions will be forwarded to the appropriate court.• The PSC web site will maintain a downloadable user manual and FAQs.• Email questions are answered on a daily basis.• Telephone support is offered from 8 am to 5 pm central time.• The PSC will maintain a list of links to all CM/ECF sites.